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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. The present report covers the activities of UNMIK, and developments related thereto, from 16 December 2009 to 15 March 2010.

II. Political situation and Mission priorities

2. The strategic goal of UNMIK remains the promotion of security, stability and respect for human rights through engagement with all communities in Kosovo, as well as with Pristina and Belgrade and regional and international actors. During the present reporting period, UNMIK continued to support minority communities, encourage reconciliation and facilitate dialogue and regional cooperation.

3. In line with the Security Council presidential statement of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692), the European Union Rule of Law Mission in Kosovo (EULEX) has continued to operate under the overall authority and within the status-neutral framework of the United Nations. Information exchange and coordination between UNMIK, EULEX and the Kosovo Force (KFOR) at the operational and strategic levels have taken place on a regular basis. UNMIK and the United Nations team working in Kosovo are developing a common strategic framework, under which UNMIK will continue to implement its mandate in view of the evolving circumstances, and the 14 United Nations agencies, funds and programmes that are active in Kosovo will focus on the implementation of development programmes.

4. On 6 and 7 January, the President of Serbia, Boris Tadić, visited Kosovo to attend an Orthodox Christmas service at the Visoki Dečani monastery, under KFOR escort and accompanied by the Minister for Kosovo and Metohija, Goran Bogdanović. Addressing the media, President Tadić sent a message of peace to Serbs, Albanians and people of all other nations of the Balkan region which "have been torn by divisions and wars", stressing that Christmas was an occasion to reconcile for the

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sake of a common future. Some 200 Kosovo Albanians gathered in Deçan/Dečani to protest the visit, preventing access to the monastery.

5. On 13 January, Minister Bogdanović, while on a subsequent visit to Kosovo, was escorted out of Kosovo by the Kosovo Police. The Kosovo authorities maintained that Bogdanović intended to hold political meetings in Shtërpcë/Štrpce without a prior announcement or permission from the Kosovo authorities, as required by procedures discussed between Belgrade, the European Union and Pristina. Bogdanović stated that he had informed EULEX and that, as a resident of Kosovo, regardless of his ministerial office, he had a right to free movement. He noted that such actions by the Kosovo authorities sent a negative message to Kosovo Serbs, especially those who wished to return to their homes. On 26 January, the Kosovo Police escorted the Deputy Minister for Kosovo and Metohija, Branislav Ristić, and four members of his entourage out of Kosovo, arguing that his visit was not coordinated with the Kosovo authorities.

6. Since my last report to the Security Council (S/2010/5), 1 additional State has recognized Kosovo, bringing the total to 65. On 17 February, muted celebrations were held in Kosovo to mark the second anniversary of the declaration of independence by the Kosovo authorities. A special session was held in the Assembly of Kosovo; 1 out of the 10 Kosovo Serb members of the Assembly was present at the session. On 21 December, the President of Slovenia, Danilo Türk, became the first Head of State to visit Pristina since the Kosovo authorities declared independence. Discussions focused on economic and security-related matters. The President of Croatia, Stjepan Mesić, visited Pristina on 8 January, stating that his visit was aimed at strengthening bilateral relations with Kosovo.

7. The election results for the second round of mayoral elections, organized by the Kosovo authorities and held on 13 December, were certified in 18 municipalities on 24 December. Complaints about irregularities resulted in a rerun in the municipalities of Prizren, Lipjan/Lipljan and Gjilan/Gnjilane. The Organization for Security and Cooperation in Europe (OSCE) supported the Central Election Commission in the technical preparations for both the second round and the rerun elections. The Kosovo authorities have scheduled elections to take place on 20 June 2010 in the envisaged new Kosovo Serb-majority municipality of Partesh/Parteš, which was not included in the November 2009 elections. The date for elections in the envisaged new municipality of North Mitrovica has not been announced yet by the Kosovo authorities. Elections organized by Belgrade are expected to take place in northern Mitrovica on 30 May 2010, in accordance with Serbian law.

III. Engagement with Pristina and Belgrade and practical arrangements

8. UNMIK remains committed to facilitating the engagement of all sides in finding practical solutions to issues of mutual concern. On 3 March, my Special Representative and his senior managers, with the support of the United Nations Office in Belgrade, held constructive meetings in Belgrade with the Serbian Minister for Kosovo and Metohija and other Serbian officials. European Union and EULEX experts continued to conduct technical discussions with the Serbian authorities in the rule of law area, keeping UNMIK informed of the outcome. My

Special Representative and his senior managers also met with senior Kosovo officials, including with Deputy Prime Minister Hajredin Kuçi, in February.

9. Discussions on practical arrangements relating to the full functioning of the court and full customs controls in northern Kosovo have not seen significant progress, but consultations with Belgrade and Pristina are continuing. In the meantime, the court in northern Mitrovica continues to operate with EULEX judges and prosecutors, who dealt with some of the most urgent cases. A team of local administrative staff supervised by EULEX also completed an inventory of 5,000 prosecutorial files at the district court level.

10. Following extensive engagement with all sides during previous months, the European Union announced on 16 February that the head of Greece's liaison office in Pristina, Dimitris Moschopoulos, would serve as facilitator in the protection of the religious and cultural heritage of the Serbian Orthodox Church in Kosovo. Ambassador Moschopoulos will facilitate the development of integrated conservation policies for the religious and cultural heritage of the Church, and will actively engage in increasing awareness of, and respect for, cultural heritage. All main stakeholders have pledged to engage constructively with him.

IV. Northern Kosovo

11. On 3 February, my Special Representative visited northern Kosovo and met separately with the Kosovo Albanian leadership of the Mitrovica municipality and with the Kosovo Serb leaders of the northern municipalities and northern Mitrovica. Both communities explicitly indicated their interest in cooperating with UNMIK and conveyed their expectation that UNMIK would continue its facilitation efforts in order to resolve practical problems.

12. As a follow-up to these meetings, UNMIK is engaged with both sides to establish task forces comprising all stakeholders in order to address practical issues that confront communities on the ground. One task force has begun its work and is addressing practical aspects of returns to the Kroi i Vitakut/Brdjani area relating to reconstruction of houses, infrastructure and services, in order to decrease tensions and focus on common needs. UNMIK continues to promote the depoliticization of problems and the adherence to established rules and procedures. Task forces are also planned on education and health and on the relocation of members of the Kosovo Roma, Ashkali and Egyptian communities to permanent housing, in order to address the critical health risks they face as a result of lead contamination.

13. Despite consultations between the Electric Power Industry of Serbia and the Kosovo Energy Corporation regarding electric power distribution in northern Kosovo, no arrangements have been agreed so far. A sustainable solution remains elusive. The Electric Power Industry of Serbia, having taken over the distribution of electricity in the north last autumn, has begun issuing bills to consumers.

14. During the reporting period, the Kosovo authorities announced their intention to implement a "strategy for northern Kosovo", aiming to increase their presence north of the Ibër/Ibar River and integrate Kosovo Serbs into the Pristina-based structures and institutions. The Kosovo authorities announced a €4 million investment to support its implementation. UNMIK was neither consulted in the drafting of the strategy nor included in its planned implementation. The strategy triggered reactions

from all stakeholders and added new dynamics to discussions about the north. On 10 February, Kosovo's President, Fatmir Sejdiu, stated that the strategy would not be implemented by force. On 4 March, the Assembly of Kosovo adopted a statement in support of efforts to integrate northern Kosovo, reaffirming the need to guarantee the "protection of the territorial integrity of Kosovo".

15. Kosovo Serb leaders of all political affiliations and the authorities in Belgrade branded the strategy a dangerous provocation, claiming that it violated the Constitution of Serbia and Security Council resolution 1244 (1999). Kosovo Serb leaders in the north put aside their political differences and responded strongly and in a united manner against the actions suggested in the strategy. Moreover, local Serbs challenged the impartiality of the European Union presence in Kosovo, and of EULEX in particular. All northern municipalities, as well as the provisional Serbian municipal body for northern Mitrovica, unanimously adopted conclusions condemning and rejecting the strategy. Kosovo Serbs in the north have stressed that they have their own local institutions that, in their view, are legitimate and do not need to be dissolved. Kosovo Serb representatives called upon KFOR and EULEX, among other international entities, to remain status-neutral, in accordance with their mandates, and to ensure peace and security for all citizens. Kosovo Serb representatives warned that any attempt to impose the "strategy for northern Kosovo" could provoke violent reactions.

V. Security

16. The overall security situation in Kosovo remained relatively calm but fragile. Two incidents involving explosives occurred in northern Kosovo in December and early January, resulting in damage to property belonging to Kosovo Serbs. In December, a taxi driven by a Kosovo Albanian was stoned in northern Mitrovica; the driver was unhurt. On 4 January, in Kroi i Vitakut/Brdjani, a group of Kosovo Serbs pelted with stones Kosovo Albanian construction workers who had come without prior notice, mistakenly suspecting that the workers were engaging in additional construction beyond what had been agreed in UNMIK-facilitated negotiations. On 13 March, a group of unknown persons at gate 31 near Zubin Potok opened fire with AK-47 rifles, hitting a EULEX vehicle, one EULEX container and three Kosovo Police containers. No injuries were reported.

17. On 3 February, the body of a Kosovo Serb male showing visible signs of violence was found on the outskirts of the predominantly Kosovo Serb village of Graçanicë/Gračanica. On 6 February, the dead body of a Kosovo Serb taxi driver, also with visible signs of violence, was found in Zveçan/Zvečan. On 14 February, on the eve of the expected return of five Kosovo Serb families to the municipality of Klinë/Klina, the windows of a house belonging to a Kosovo Serb returnee couple were broken with stones allegedly thrown by five Kosovo Albanian juveniles; four of the juveniles were identified. On 17 February, stones were thrown at a humanitarian bus transporting some 50 Kosovo Serbs from the village of Osojan/Osojane in Istog/Istok municipality to Mitrovica while it was passing through the Kosovo Albanian village of Runik/Rudnik in Skenderaj/Srbica municipality, resulting in minor damage to the bus. On 20 February, a Kosovo Serb male returnee to Zallq/Žac village in Istog/Istok municipality was assaulted by three unknown Kosovo Albanians in the vicinity of his village. On 1 March, the victim revealed the name of a Kosovo Albanian male perpetrator, who later came to the police station

and admitted to having committed the crime. On 22 February, the coffin of the first Kosovo Serb to be buried at the Gjilan/Gnjilane town Orthodox cemetery since 1999 was vandalized. Members of the Kosovo Serb community perceived the event as a warning against their return. Kosovo's Prime Minister visited the site and strongly condemned the incident. On 10 March, a 70-year-old Kosovo Serb male was assaulted in his house in Çaglavicë/Ćaglavica by two masked intruders. On 13 March, gunshots were fired from a moving vehicle close to the house of the Kosovo Serb mayor of Shtërpcë/Štrpce, who was elected in the Pristina-organized elections on 13 December. No injuries were reported. The police subsequently took two Kosovo Serb suspects into custody.

18. On 26 January, the Kosovo Police arrested three traffic inspectors from Serbia for allegedly conducting an inspection of a bus in Kosovo without a permit from Kosovo to do so. They spent one night in detention before being released. Prior to this, on 23 January, Kosovo police arrested a group of 17 Serbs, some of whom were Kosovo residents, who were participating in a funeral in a Kosovo Serb hamlet in Podujevë/Podujevo municipality. They were charged with illegal entry into Kosovo and were sentenced to pay a fine of €4,000 in total. The group was released after the fine was paid by municipal authorities in Serbia.

19. Overall, there has been no increase in the number of incidents, including those affecting the minority communities, in comparison with the previous reporting period; however, the persistence of incidents continues to represent an obstacle to returns and perpetuates a perception of insecurity among the minority communities. Bringing perpetrators of crimes to justice, publicly condemning such incidents and reaching out to the victims, as occurred in a few instances during the reporting period, would serve to alleviate some concerns among the communities and foster a feeling of increased security.

20. The transition of KFOR to a "deterrent presence" is being implemented in a gradual and phased manner. By the end of January, troops in Kosovo were drawn down to 10,200. Further reductions will be determined by the North Atlantic Council on the basis of prevailing conditions, and not on a fixed calendar.

VI. Rule of law

21. UNMIK continues to exercise certain responsibilities in the rule of law area. Cooperation at the technical level between the UNMIK Rule of Law Liaison Office and the Ministries of Justice and Internal Affairs continues to be good. UNMIK also continues to experience good cooperation with the Serbian authorities in the rule of law area.

22. UNMIK continues to provide document-certification services, both to Kosovo residents and at the request of non-recognizing States. Since January, the Kosovo Ministry of Justice has made more than 1,000 direct requests for mutual legal assistance to the Serbian Ministry of Justice, which remain unanswered to date. UNMIK receives requests for mutual legal assistance from States that do not recognize Kosovo, including Serbia, and forwards them to the Kosovo Ministry of Justice for action. More than 100 such requests were processed during the reporting period. At the request of EULEX judges, my Special Representative issued five wanted notices from the International Criminal Police Organization (INTERPOL).

23. UNMIK maintains one forensic expert to ensure cooperation at the technical level with the Office on Missing Persons and Forensics and to serve as a liaison with Belgrade in the Pristina-Belgrade Working Group on Missing Persons. From December to the end of February, the Office conducted 23 field operations, resulting in two exhumations. In addition, 20 sets of human remains were returned to the families of the victims. The Mission also facilitates and participates in the Working Group on Missing Persons and the sub-working group on forensics, both chaired by the International Committee of the Red Cross. During the reporting period, one session of the sub-working group on forensics and one session of the Working Group on Missing Persons took place in Belgrade; the meetings were held in a spirit of cooperation.

VII. Returns

24. Although voluntary minority returns remain low in absolute numbers, there has been an increase from 2008, with 1,153 individuals returning from displacement in and outside Kosovo in 2009, compared with 679 in 2008. According to the statistics of the Office of the United Nations High Commissioner for Refugees (UNHCR), 259 displaced minority community members — 22 Kosovo Albanians, 90 Kosovo Serbs, 30 Kosovo Roma, 89 Kosovo Ashkali and Kosovo Egyptians, 16 Kosovo Bosniaks and 12 Kosovo Goranis — voluntarily returned to Kosovo between January and February 2010, compared with 55 in the same period last year. The returns registration exercise, carried out in 2009 by UNHCR in cooperation with the Serbian Ministry for Kosovo and Metohija and the Ministry for Communities and Returns in Pristina, has revived interest among the displaced and has given new impetus to the returns process.

25. OSCE field teams report that only four municipalities in Kosovo are currently in the process of developing their returns strategies for 2010. It should be noted that only 19 municipalities adopted returns strategies in 2009. In the assessment of OSCE, implementation of these strategies in 2010 faces a number of challenges, including lack of funding for returns activities, lack of political commitment and structural problems in local governance, as well as concerns regarding the viability of conditions for returns, namely security, access to public services, housing and property rights and socio-economic opportunities.

26. Continuing forced returns from host countries may negatively impact the ability of Kosovo authorities to support sustainable returns and may exacerbate existing tensions. A total of 224 persons have been forcibly repatriated to Kosovo during the first months of 2010; 15 of them belong to communities that UNHCR considers to be "at risk" in Kosovo. In 2009, a total of 2,962 individuals were forcibly returned.

VIII. Cultural and religious heritage

27. UNMIK continued to facilitate the work of the Council of Europe-led Reconstruction Implementation Commission on the reconstruction of 34 cultural and religious heritage sites that were damaged or destroyed during the March 2004 violence. During the reporting period, the Commission continued work on four sites and selected subcontractors for the other three sites: Saint George's Church in

Prizren, the Church of Saint John the Baptist complex in Pejë/Peć, and Dević monastery, near Skenderaj/Srbica. Reconstruction work at these sites will start in the spring of 2010.

28. UNMIK also continued to facilitate the activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Kosovo. Seven projects funded from a $1 million donation by the Government of the United States of America were completed by the end of 2009. Four out of five reconstruction projects funded by the Government of Italy have also been completed. Italy donated an additional €135,000 to expand a project on cultural diversity, intercultural dialogue, heritage protection and reconciliation in Kosovo, which will be implemented in 2010.

29. UNMIK monitored the security arrangements provided for the Serbian Orthodox patrimonial sites, in coordination with EULEX, the Kosovo Ministry of Culture, Youth and Sports and KFOR. KFOR continued guarding the eight Serbian Orthodox sites that are among the nine properties with designated special status. The timing and sequence of replacement of KFOR static guard units at these sites by Kosovo Police static guards ("unfixing") is to be determined by the North Atlantic Council. KFOR and EULEX will monitor the Kosovo Police in this context.

30. The Kosovo Energy Corporation and the entities of the Serbian Orthodox Church, with the engagement of UNMIK, have reached an agreement on payment for electricity that is provided, and the power supply was restored to almost all monastic communities south of the Ibër/Ibar River.

31. During the reporting period, several Serbian cultural and religious sites were vandalized. This included the desecration in January 2010 of some 20 Orthodox cemetery gravestones in the predominantly Kosovo Serb village of Llapje Sellë/Laplje Selo near Pristina and the nearby village of Lismir in Fushë Kosovë/Kosovo Polje. The ruins of Buzovik monastery in Viti/Vitina municipality, included in the list of special protective zones, continue to be used as a dump for waste. Six nineteenth-century Montenegrin Orthodox gravestones in the zone have been partially damaged. On 9 March, the Kosovo Police announced that they had opened an investigation into unknown perpetrators who had damaged the Orthodox church in Perkovac in Gornji Strmac/Stërnac i Epërm village, near Zubin Potok, and several icons.

32. The Holy Synod of Bishops of the Serbian Orthodox Church, chaired by the newly elected Patriarch Irinej, suspended Bishop Artemije of Raška and Prizren from his duties on 11 February on grounds of irregularities in the administration of the diocese. The suspension remains in effect until the completion of the initiated canonical procedure, or until the next session of the Holy Assembly of Bishops. Retired Bishop Atanasije of Zahumlje and Herzegovina has been appointed as the temporary Administrator of the Diocese of Raška and Prizren. On 16 February, Bishop Atanasije and Bishop Teodosije of Lipljan held a memorial service in the St. Nicholas Church in Pristina in commemoration of the ninth anniversary of the Niš Express bombing, in which 12 Serbs were killed and 40 were injured. This was the first time since 1999 that bishops of the Serbian Orthodox Church had conducted a service at this particular church, which had been burned down during the violence in March 2004 and largely restored using funds allocated by the Kosovo authorities as part of the Reconstruction Implementation Commission process. On 21 February, the St. George Orthodox Cathedral in Prizren, which was also gutted by fire in

March 2004, was consecrated following its reconstruction, and a first liturgy, attended by some 200 faithful, was celebrated.

IX. Community issues

33. On 23 February, the European Commission Liaison Office to Kosovo, in partnership with the Kosovo authorities and the municipality of Mitrovica, launched the implementation phase of a €5 million project for Kosovo Roma, Ashkali and Egyptian internally displaced residents of the Osterode and Çesmin Llugë/Česmin Lug camps. The project focuses on six issues: house construction, health assistance, income generation, education, municipal capacity-building and conflict mitigation. The initiative reinforces and complements past and ongoing efforts conducted by several stakeholders, including UNMIK, to find a permanent solution to the plight of the Kosovo Roma, Ashkali and Egyptian communities in the camps, aimed at leading to the eventual closure of the camps.

34. Despite isolated incidents, members of the minority communities have generally moved freely around Kosovo. On the occasion of All Souls' Day on 8 February, some 110 displaced Kosovo Serbs visited the Orthodox graveyards and other sites in Suharekë/Suva Reka and Gjakovë/Đakovica municipalities. On 12 and 13 February, some 30 Orthodox pilgrims from Serbia visited different religious sites in the Pejë/Peć and Prizren regions, including Visoki Dečani monastery, Holy Archangels monastery, the Bogorodica Ljeviška church in Prizren and Zočište monastery. On 18 January, some 800 Kosovo Serbs attended the traditional *Bogojavljenje* (Epiphany of Jesus Christ) ceremony at the church of the Holy Trinity in Partesh/Parteš without any incidents. A considerable number also attended services in the Pristina and Prizren regions.

X. Human rights

35. Securing respect for the rights of all communities continues to be a challenge, as evidenced by continued reports of security-related and other incidents affecting minority communities. In this context, in February 2010 the Kosovo authorities launched the strategy and implementation plan for 2009-2015 for the integration of the Kosovo Roma, Ashkali and Egyptian communities. They also released their first report on the implementation of the strategy and action plan on human rights for 2009-2011, which was launched in December 2008. Noting some positive achievements, the report acknowledges that the proper functioning of institutional mechanisms for human rights protection and promotion remains a challenge, and that the level of implementation of the strategy remains unsatisfactory.

36. During the reporting period, the vacancy for the third member of the Human Rights Advisory Panel was filled. To publicize the upcoming cut-off date of 31 March 2010 for submission of complaints to the Panel, notices were placed in the Pristina and Belgrade media having wide circulation. Following a review of its case figures, the panel reports that it has received a total of 439 cases to date, of which 30 have been closed.

XI. External representation

37. UNMIK continued to facilitate Kosovo's engagement in international and regional forums. While no meetings were organized at the end of December 2009 or in January 2010, activities picked up in February. UNMIK facilitated two meetings of the Regional Cooperation Council Board and the Central European Free Trade Agreement, four meetings of the Energy Community, one meeting of the Steering Committee of the Regional School of Public Administration, two meetings of the United Nations Economic Commission for Europe and a meeting of the South-Eastern Europe Transport Observatory.

38. The issue of the modalities of Kosovo external representation, however, remained controversial. In fact, there has been increasing attention to this question particularly in the light of the upcoming International Court of Justice advisory opinion. There is no agreed template for the participation of the representatives of the Kosovo institutions in regional or international meetings. This has resulted over time in a variety of arrangements for the identification of the participants and has led in some instances to disputes or the absence from the event of one or more of the invited parties. As a rule, the organizers request the presence of an UNMIK representative, who is generally given the floor first to address the issues from the UNMIK perspective. The representatives of the relevant Kosovo institutions then intervene to describe their policies and priorities.

XII. Observations

39. During the reporting period, UNMIK continued to engage proactively with all communities, as well as with Pristina and Belgrade and international actors, in furthering peace and stability in Kosovo and the region. My Special Representative continued to cultivate good faith relations with all sides to encourage dialogue and bridge differences. He maintained close cooperation with EULEX, which has been established within the status-neutral framework of the United Nations.

40. UNMIK remains uniquely placed to facilitate dialogue between the communities, in particular in northern Kosovo. UNMIK efforts are complemented by the humanitarian and development activities of the United Nations agencies, funds and programmes. The continuing support for UNMIK activities by the communities on the ground, by Pristina and by Belgrade, as well as by the Security Council and the broader international community, is of crucial importance. I welcome the efforts to establish UNMIK-facilitated working groups on issues related to northern Kosovo, which highlights the importance of focusing on issues that unite all communities and not on what may divide them. I call on all stakeholders to work constructively with UNMIK in addressing issues of mutual concern.

41. I remain concerned about the possibility of increased tensions in northern Kosovo, should the implementation of the strategy for northern Kosovo by the authorities in Pristina not take place in conditions of transparency and dialogue with local communities and all relevant stakeholders. Sensitive issues related to northern Kosovo can only be addressed peacefully and through continuing consultation and coordination between all relevant actors, taking into account the specific circumstances and concerns of all communities.

42. As far as regional development and cooperation are concerned, Pristina and Belgrade should be encouraged to show greater flexibility and to focus on the goal of furthering common interests and arriving at practical results, irrespective of status-related considerations. In this regard, I urge both Pristina and Belgrade to take a pragmatic approach to the participation of representatives of the Kosovo institutions in regional and international forums. Regional cooperation is a key element in efforts to advance the European perspective of the region. In this context, UNMIK continues to play a key role in facilitating such cooperation.

43. I am pleased to be able to report that there has been progress in discussions related to the establishment of a mechanism for the protection of the Serbian Orthodox Church's religious and cultural heritage in Kosovo. I welcome the announcement by the European Union of the appointment as facilitator in this area of the Head of the Greek Liaison Office in Pristina, who is seen as a neutral figure able to press for the fulfilment of obligations on the part of each stakeholder involved. I also welcome the flexibility and pragmatism demonstrated by the sides in supporting this appointment and urge them to engage in a constructive manner in consultations led by the facilitator. The United Nations will continue to extend its full cooperation to these efforts. I urge all sides to demonstrate the same openness in establishing practical arrangements in other areas of mutual concern, where progress has been minimal.

44. While the most recent period indicates a welcome increase in numbers of returnees compared to previous periods, the overall numbers of returns remains disappointingly low. Strategies on returns must be adopted throughout Kosovo and cooperation between all stakeholders in this area must be strengthened. In this regard, I welcome the renewed consultations on the opening of the UNHCR property offices in Serbia to improve access to all adjudication mechanisms for real property claims filed by the displaced.

45. The longer-term stability and development of Kosovo and the region rests on a successful process of reconciliation between communities. In this regard, I welcome the message of President Tadić, on the occasion of his visit to the Dečani monastery to celebrate Orthodox Christmas, that all people, regardless of their identity, should reconcile their differences. I encourage all sides to take practical steps in furtherance of that goal.

46. I would like to express deep appreciation and gratitude to my Special Representative, Lamberto Zannier, for his excellent leadership of the Mission and his tireless efforts to engage with all parties and reconcile conflicting positions, in order to advance cooperation and help maintain security and stability in Kosovo and in the region. I would also like to commend the staff of UNMIK for their continued dedicated work and commitment to Kosovo and the goals of the United Nations.

47. I would also like to extend my gratitude to the longstanding partners of the United Nations in Kosovo — the European Union, the North Atlantic Treaty Organization and the Organization for Security and Cooperation in Europe — as well as to the United Nations agencies, funds and programmes for their ongoing support and cooperation with UNMIK.

Annex I

Report of the High Representative of the European Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Rule of Law Mission in Kosovo

1. Executive summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities in the area of rule of law, and to implement its executive functions according to its mandate. The Mission worked with the Kosovo rule of law authorities on the planning and implementation of targeted monitoring, mentoring and advising activities, focusing especially on management-level capacity and methodology in the areas of police, justice and customs. Results are already apparent in some areas.

On the occasion of the Mission's first anniversary in December, President Sejdiu and Prime Minister Thaçi commented on the work of EULEX during its first year of operations. The Prime Minister expressed his confidence in the Mission's success. Meetings of the Joint Rule of Law Coordination Board, co-chaired by the Head of EULEX and the Deputy Prime Minister, took place on a monthly basis; a range of rule of law issues was discussed. Working groups have been set up to coordinate the consultations.

The European Union is establishing a joint office north of the Ibër/Ibar River (European Union House). EULEX has representatives stationed there.

EULEX continued its dialogue with the Serbian rule of law authorities, and the head of mission visited Belgrade with the head of the justice component on 2 and 3 March for discussions on judicial matters. Senior staff of the justice and customs components also visited Belgrade for discussions.

Significant progress was made with trials and the processing of cases, including those handed over by the United Nations Interim Administration Mission in Kosovo (UNMIK). In January, EULEX judges completed the cases received from UNMIK at the Supreme Court level. They expect to complete the cases received from UNMIK at the district court level soon.

EULEX continued to hold hearings and trials in Mitrovicë/Mitrovica District Court. EULEX prosecutors and investigators focused their work on a number of organized crime and war crime cases. The joint EULEX and Kosovo Office on Missing Persons and Forensics handed over 20 sets of human remains to families, participated in working group sessions in Belgrade and Pristina and met with the Office of the Supreme State Prosecutor of Montenegro about a potential grave site. An UNMIK forensic expert responsible for liaising with Belgrade works in the Office on Missing Persons and Forensics.

EULEX continued to support the preparations of the Kosovo Police for the future gradual assumption of responsibility for the protection of the "green border" (the land area between recognized border/boundary crossing points) and of cultural/historical sites, starting with the Gazimestan monument. As before, EULEX

formed police units stood ready to act as second responder in case of disturbances; however, the situation was on the whole stable, and no serious unrest occurred.

EULEX Customs continued to copy and scan data on commercial traffic at gates 1 and 31 in northern Kosovo, including data on cargo carried into northern Kosovo by train.

2. Activities of the European Union Rule of Law Mission in Kosovo for the period from December 2009 to March 2010

General

On 5 March, EULEX had 2,785 staff (1,692 international staff and 1,093 local staff). The Mission continued to implement its monitoring, mentoring and advising activities in the area of rule of law throughout Kosovo. It also implemented its executive mandate. EULEX has cooperated closely with UNMIK, particularly on the exchange of information and issues concerning the north of Kosovo, and has also closely coordinated its activities with the European Union presence and with other international actors in Kosovo and in the region.

EULEX police, justice and customs components continued planning and implementing targeted monitoring, mentoring and advising activities with the Kosovo rule of law authorities, focusing especially on management-level capacity and methodology in the Kosovo police, justice and customs. Results are already apparent in some areas.

In the north of Kosovo, work by the administrative team on 30,000 prosecutorial files in the courthouse in Mitrovicë/Mitrovica continued under EULEX supervision. The inventory of 5,000 district court prosecution files was completed. The inventory of municipal court prosecution files is the next task. The inventory team estimates that there will be about 25,000 prosecution files to go through; however, despite this progress and the holding of a number of trials in Mitrovicë/Mitrovica District Court, it has not yet been possible to establish full operational justice in the north of Kosovo, owing to the continued lack of Kosovo Albanian and Serb judges and prosecutors.

An international working group that includes EULEX gave a draft model law on civil status and civil registration to the Ministry of Internal Affairs. The Minister of Internal Affairs signed an administrative instruction on the Civil Registration Agency, the legal basis for the establishment of the Agency and central databases in the Ministry. He also appointed a chief executive officer for the Agency. The integration of existing databases and the modernization of the outdated civil status system remain challenges.

The EULEX Legal Office drafted a technical arrangement on the transitioning of the Financial Intelligence Centre from EULEX to the authorities of Kosovo, as established by the Law on the Prevention of Money-Laundering and Terrorist Financing. This technical arrangement covers how the transition will be carried out, as well as the responsibilities of EULEX and the Ministry of Economy and Finance.

The dialogue with Belgrade on police, justice and customs matters continued. On 2 March, the head of mission and the head of the EULEX justice component travelled to Belgrade for meetings with representatives of the Government of Serbia

on issues mainly concerning the judiciary and the District Court in Mitrovicë/Mitrovica. The Kosovo authorities were informed about the visit. EULEX prosecutors and investigators have met their Serbian counterparts in Belgrade on a monthly basis to discuss war crimes cases and the exchange of information. Technical discussions between the EULEX customs component and the Belgrade customs authorities resumed in February, reaching agreement on the way forward on a number of issues, including preparations for moving from the copying of documents to electronic exchange, the escort of shipments and enhanced enforcement. EULEX customs also informed Belgrade that it intended to intensify controls throughout Kosovo, in cooperation with EULEX Police.

On 28 January EULEX experts took part in the first stabilization and association process dialogue meeting between the European Commission and the Kosovo authorities. At the meeting, a number of rule of law matters were discussed, including the readmission and reintegration of repatriated persons, the fight against organized crime and corruption, the functioning of the judiciary and the reappointment of judges and prosecutors.

EULEX and UNMIK met with representatives of the United Nations Office on Drugs and Crime (UNODC) and facilitated meetings between UNODC and the Kosovo authorities.

Police

EULEX advised the Kosovo Police to apply increased resources and energy to the implementation of the agreed targeted monitoring, mentoring and advising actions. Briefing sessions were set up to raise awareness of the tasks among over 9,000 Kosovo Police employees. The briefings have been conducted by a large team of Kosovo Police trainers, starting in February 2010.

EULEX continued to contribute to discussions on the organizational structure of the Kosovo Police. The Minister of Internal Affairs approved the top level of the Kosovo Police structure (up to the head-of-department level), as proposed by a working group headed by Deputy General Director Jankovic.

EULEX continued investigations into the case of Nazim Bllaca (who had been placed under house arrest on 1 December in connection with charges of aggravated murder and organized crime). Two further arrests were made in connection with his allegations, the latest on 5 March. The house arrest of Bllaca was extended until 1 May in order to allow investigations to continue.

The EULEX War Crimes Investigation Unit completed a comprehensive review of the 888 cases for which the Prosecutor of the Special Prosecution Office of Kosovo issued a request for investigation in 2009. Of 21 active investigations, two minor ones were delegated to the Kosovo Police War Crimes Unit. These assignments have boosted the morale and commitment of Kosovo Police investigators, who will report regularly to EULEX about the progress of their work.

As before, EULEX formed police units stood ready to act as second responder in case of disturbances; however, the situation was on the whole stable, and no serious unrest occurred.

EULEX, in coordination with the Kosovo Force (KFOR), has continued to support Kosovo Police preparations for the assumption of responsibility for the

"green border", starting with the Albanian border. EULEX monitored the internal recruitment within the Kosovo Police to reinforce the Kosovo Border and Boundary Police by transferring police officers to border duties. On 11 January, 128 Kosovo Police officers were redeployed to strengthen the Border and Boundary Police on the border with Albania. On 1 March, EULEX, KFOR and the Kosovo Police started joint patrols along the 120 km stretch in the north, from gate 2A to the Montenegrin border, which was previously under sole KFOR control. Handover from KFOR to the Kosovo Police at the border with the former Yugoslav Republic of Macedonia is expected to start in the second quarter of 2010.

EULEX also continued to support Kosovo Police preparations for the handover of responsibility for the security of the Gazimestan monument and other cultural sites from KFOR to the Kosovo Police. The Kosovo Police are scheduled to take over full responsibility for security at the Gazimestan monument from KFOR in March. EULEX will initially monitor 24 hours a day, seven days a week, and stands ready to react as second responder to any disturbances.

The Kosovo Police established a working group led by Deputy General Director Jankovic to prepare for the establishment of police stations in the new municipalities. EULEX is following developments.

In a survey of the reintegration of Kosovo Serb officers into the Kosovo Police after June 2009, two thirds of the 100 officers surveyed expressed their satisfaction with the process in general. They expressed some concern, however, about the quality of Kosovo Police management, information flow, political interference and equal treatment for staff from non-majority communities.

UNMIK and EULEX staff continued to work together in the UNMIK International Criminal Police Organization (INTERPOL) Office. On 24 December EULEX was invited for the first time to take part in a Joint Implementation Committee meeting at the Serbian Border Police headquarters in Kuršumlija, Serbia.

Justice

On 12 January a five-judge panel (three EULEX judges and two Kosovo judges) of the Supreme Court of Kosovo issued a verdict which concluded all pending criminal cases that had been handed over, at this level, by UNMIK. Some of these case files relate to crimes that happened more than 10 years ago.

These proceedings included appeals in the second and third instance, and requests for protection of legality. The charges in these criminal cases included war crimes, money-laundering, organized crime, acts of terrorism and accepting bribes. In the meantime, the EULEX Supreme Court team also dealt with interim appeals from other pending cases throughout Kosovo.

Since starting operations in December 2008, EULEX has regarded dealing with the cases handed over by UNMIK as one of its priorities, and this has been done in good cooperation with Kosovo judges. EULEX judge teams at the district court level expect to complete the cases they have received in the near future.

In the courthouse in North Mitrovicë/Mitrovica, the team of local administrative staff supervised by EULEX continued work to establish an inventory of 30,000 prosecution files. The inventory of 5,000 prosecution files at the district court level was completed. Progress with regard to the return of Kosovo Albanian

and Kosovo Serb judges and prosecutors remains critical for the normalization of the court's operations. Some of the most urgent cases have been dealt with by EULEX judges and prosecutors. For example, in January EULEX judges in Mitrovicë/Mitrovica District Court held hearings and trials in inter-ethnic cases in which proceedings were put on hold after the attack on the courthouse in March 2008. In two murder cases, the defendants had been in detention for up to two and a half years.

In response to media interest after the appointment of judges and prosecutors by Belgrade, the Mission also emphasized that EULEX judges and prosecutors had been adjudicating cases in Mitrovicë/Mitrovica since December 2009, and that Kosovo could have only one judicial system.

In the Supreme Court, in the first appeal case in which the original verdict had been pronounced by EULEX judges, a mixed panel of Kosovo and EULEX judges upheld the verdict, in which a Kosovo Albanian was convicted of war crimes.

On 1 February a mixed panel of Kosovo and EULEX Supreme Court judges announced the verdict in an appeal case. The defendant had been convicted of attacking an UNMIK vehicle, killing two passengers and injuring two others in March 2004. The judges modified the first-instance verdict and handed down an aggregated sentence of 30 years imprisonment.

The trial of Albin Kurti, the leader of the Vetëvendosje (self-determination) movement, in connection with events in 2007 was scheduled to start on 15 February, but was postponed until 2 March, at which time the defendant failed to appear before the court.

The Kosovo Police were ordered to find the defendant and bring him to the court, but were unable to do so, and both the local judge and the lawyer appointed ex officio to defend him also failed to appear, so the trial was postponed again, until 13 April. The case is one of the last judicial cases at the district court level received from UNMIK.

EULEX legislative experts followed the work of the Kosovo Ministry of Justice on the draft law on obligations and the draft law on witness protection. EULEX legislative experts, judges and prosecutors monitored work on the new drafts of the criminal code and the criminal procedural code.

The Conditional Release Panel held four sessions in January, considering approximately 40 cases. A EULEX judge is monitoring the work of the panel.

The EULEX Correctional Unit regional team in Mitrovicë/Mitrovica carried out a security assessment of the Mitrovicë/Mitrovica Detention Centre, and agreed on further steps with the director of the facility.

From December 2009 to 5 March 2010, the Office on Missing Persons and Forensics, which is jointly led by a EULEX head and a Kosovo head, conducted 5 autopsies of war victims and 97 fresh autopsies; began an inventory of human remains from six sites from which 162 bone samples were extracted for analysis; conducted 8 death scene investigations, 19 forensic clinical examinations, 23 field assessments and 2 exhumations; and handed over 20 sets of human remains to families. The Office on Missing Persons and Forensics had a number of meetings with family associations and families. The Office participated in one working group session in Belgrade and one in Pristina, and met with the Supreme State

Prosecutor's Office of Montenegro about a potential site. An UNMIK forensic expert responsible for liaising with Belgrade works in the Office on Missing Persons and Forensics.

Customs

EULEX Customs monitored, mentored and advised the Kosovo Customs Service at border and boundary crossing points, with the exception of gates 1 and 31, and at the Pristina airport. EULEX continued the practice of copying commercial invoices at customs gates 1 and 31 in the north of Kosovo and documents related to cargoes carried into northern Kosovo by train from Kraljevo in central Serbia to Zvečan/Zveçan, just north of Mitrovicë/Mitrovica. With effect from 1 March, the documents are being scanned instead of copied. The infrastructure upgrade at these gates was completed, with closed-circuit television cameras installed and transmitting images to the Kosovo Customs operations room, EULEX Police operations room, EULEX Customs and KFOR headquarters. Restoration of full customs control in northern Kosovo remains, however, subject to agreement between stakeholders on the collection of customs duties and the distribution of revenues.

On 30 December 2009, EULEX Customs mobile units monitored the launching and testing by Kosovo Customs of its patrol boat on Vërmicë/Vrbnica Lake, at the border with Albania.

EULEX advised Kosovo Customs and the Kosovo Ministry of Economy and Finance on the strategic operating framework, i.e., the strategic plan of Kosovo Customs for 2010-2012 within the midterm expenditure framework of the authorities of Kosovo. The EULEX customs component advised Kosovo Customs and the Ministry of Economy and Finance on the acquisition of a European Union-compliant new customs computer database system, Asycuda World, to replace the existing Trade Information Management System.

EULEX encouraged the Kosovo authorities to revitalize the Independent Review Board, the appeals body for customs and tax administration decisions. The Board has not been operational since November 2008. Following months of debate in the Kosovo Assembly, in February the remaining 10 members of the Board were nominated. Once they have been approved, the Board can resume its activities. EULEX is closely monitoring how the backlog of cases is being dealt with, and is promoting reform of the Independent Review Board's status.

The EULEX customs component completed site surveys and questionnaires and sent them to the International Atomic Energy Agency for the European Commission's border monitoring needs assessment project on improving infrastructure and procedures for nuclear safety, radioactive material and weapons of mass destruction in the western Balkans.

Approved by Yves **de Kermabon**
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 March 2010)

Country	*Number*
Germany	1
Ghana	1
Italy	1
Pakistan	1
Russian Federation	1
Turkey	1
Ukraine	1
Total	**7**

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 March 2010)

Country	*Number*
Czech Republic	1
Denmark	1
Norway	1
Poland	1
Romania	1
Spain	1
Turkey	1
Ukraine	2
Total	**9**

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Cartographic Section